

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
SOLICITING FURTHER COMMENTS ON
CHANGES TO GRANDFATHERING PROVISIONS**

On May 30, 2002, an "Assigned Commissioner's Ruling" (ACR) was issued, concerning the potential modification in the treatment of wireless carriers' assigned rate center designation in connection with the implementation of area code changes.

Traditionally, the Commission has implemented area code changes that include a "grandfather" provision whereby wireless carriers are permitted to retain their preexisting area code assignment after a geographic split, even when the rate center of the carrier's assigned NXX code lies within the geographic boundaries prescribed for the new area code. The Commission adopted this provision in Decision (D.) 96-08-028 (Conclusion of Law 23) as a means of relieving the burden on customers who would otherwise have to bring their handset equipment to the carrier for reprogramming, or else reprogram the equipment themselves, to recognize the change in area code.

In responses to the ACR, parties addressed the issue in the context of a prospective-only change in the grandfathering provisions where *new* area code changes are implemented. In the interests of number conservation, however, the Commission needs to also consider changes in the assignment of *existing* numbers that are currently subject to the grandfathering provisions. Therefore, this ruling is issued to solicit further comments relating to a *reversal* of the grandfathering provisions as applied to *existing* area codes. In other words, parties are directed to address all relevant issues and impacts relating to requiring existing numbers that are currently assigned to wireless carriers in a rate center outside of the home numbering plan area (NPA) to be moved to a rate center within the “home” NPA (i.e., “re-homed”).¹

By this ruling, parties are provided notice and opportunity to comment on this potential modification of the Commission’s grandfathering policy. This modification is being considered to promote more efficient utilization and conservation of numbering resources, particularly in those area codes whose numbering resources are closer to exhaustion.

Issues to be Addressed in Comments

Parties are directed to comment on the potential feasibility of alternative approaches to implementing a reversal of the grandfathering provision within *existing* area codes, with an analysis of the pertinent impacts and proposed remedial measures that would be necessary to mitigate any adverse impacts.

Among the possible ways that the Commission could implement a retrospective reversal in existing grandfathering provisions include requiring a

¹ An example may help to illustrate the principle of re-homing. Assume that a wireless central office code with the NPA/NXX prefix 209/977 is assigned to the Fresno rate center that is geographically located in the 559 NPA. All wireline numbers in Fresno are assigned in the 559 NPA. The “re-homing” would entail reassigning the 209/977 central office code to, e.g., the Merced rate center, which is located at the edge of the 209 NPA nearest Fresno.

re-homing of the prefix to a new rate center in the home NPA. This alternative would not require the subscriber to change their number, but could lead to a change in the rating of incoming calls as local or toll since the call would be rated to a different rate center. Another possible solution would be to have the customer change their number to provide for matching of the rate center to the home NPA. This alternative would not trigger any change in the rating of incoming calls, but would disadvantage the customer resulting from a forced number change. After all customer number changes had been made, vacating the prefix, the prefix would be either returned to NANPA for reassignment in the home NPA, or retained by the carrier and re-homed. Another potential solution would be to defer immediate re-homing but to wait for customer migration to vacate the affected prefix. The prefix would then be either returned to NANPA for reassignment or re-rehomed only after its usage becomes vacant.

The potential impacts of implementing each of these approaches should be addressed as they relate both to customers and carriers. Impacts on customers may include the need for public notice and education concerning any implementation of required number changes, or changes in the rating or routing of calls. Customer notice issues include identifying and implementing proper public notice requirements associated with any alternatives discussed.

Technical issues associated with the re-homing of numbers should also be addressed as well as any potential 911-calling impacts. In particular, parties should address the potential impacts as they relate to the ability to port and/or pool numbers. Technical implementation issues should address the impacts on any affected systems, including billing, voice mail, ordering systems, trunk group capacity, other network software, etc.

In their comments, parties should be as specific as possible in describing potential approaches and associated impacts. For each potential approach

discussed as a means of implementing the reversal of the grandfathering policy within existing NPAs, parties should provide an assessment as to the steps involved, the amount of implementation time required, and the cost involved. For each option discussed, parties should indicate whether that option will allow for number porting, and what related issues are involved. Parties may argue that different approaches may be warranted in different circumstances. If a multiple solution approach is proposed, parties should indicate which alternative solution is appropriate under what set of conditions.

This ruling constitutes notice and opportunity to be heard under Public Utilities Code Section 1708. Upon receipt and review of the filed comments, the Commission may then determine whether to terminate its policy adopted in D.96-08-028 regarding grandfathering of area codes for wireless carriers, prospectively and/or retrospectively.

IT IS RULED that:

1. Comments are solicited as explained above regarding the potential change to numbers in existing area codes relating to the grandfather provision granted to wireless carriers in Decision 96-08-028.
2. Opening comments are due on October 14 and reply comments are due on October 21, 2002.

Dated October 2, 2002, at San Francisco, California.

/s/ THOMAS R. PULSIFER
Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Soliciting Further Comments on Changes to Grandfathering Provisions on all parties of record in this proceeding or their attorneys of record.

Dated October 2, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.